

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,

90 Civ. 5722 (VM)

Plaintiff,

- against -

DISTRICT COUNCIL OF NEW YORK CITY
AND VICINITY OF THE UNITED
BROTHERHOOD OF CARPENTERS AND
JOINERS OF AMERICA, ET AL.,

ORDER

Defendants.
-----X

VICTOR MARRERO, United States District Judge.

On June 20, 2016, the United States Court of Appeals for the Second Circuit issued a decision in the matter of the, “New York City and Vicinity District Council of the United Brotherhood of Carpenters and Joiners of America v. Association of Wall-Ceiling and Carpentry Industries of New York, Inc. (No. 15-1574-cv). In that decision, the Second Circuit confirmed an arbitrator’s award that the two-man job provision in the collective bargaining agreement between the Association of Wall-Ceiling and Carpentry Industries of New York, Inc. (“WCC”) and the New York and Vicinity District Council of Carpenters (“District Council”) did not supersede, eliminate or effect the right of the WCC and its members to continue to invoke an International Agreement. The Second Circuit’s opinion specified an issue to be resolved on remand by the District Court. That issue was whether the arbitrator’s decision, as affirmed by the Second Circuit, that the collective bargaining agreement did not supersede or affect the right of WCC members to invoke the International Agreement was inconsistent with the anticorruption goals of the consent decree and the RO stipulation. Subsequent to that decision, this Court issued a decision and order dated May 19, 2017, in another matter on remand from a

separate appeal holding that the one:one matching provision did not serve anticorruption purposes. See Decision and Order, ECF Doc. 1769.

The Court, having received written submissions by the parties, and the parties having appeared before the Court on June 29, 2018, and the attorneys for the WCC and the District Council having conferred, the parties agree to the following to be entered as an Order upon consent.

IT IS HEREBY

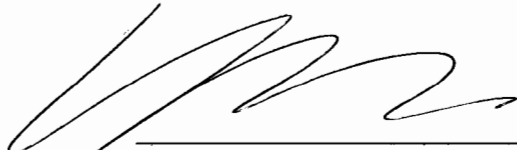
ORDERED that the two-man job provision in the collective bargaining agreement between the Association of Wall-Ceiling and Carpentry Industries of New York, Inc. and the New York City and Vicinity District Council of the United Brotherhood of Carpenters and Joiners of America is not inconsistent with the anticorruption goals of the Consent Decree or any other Orders of the Court; and it is further

ORDERED that the Association of Wall-Ceiling and Carpentry Industries of New York, Inc. and its employer members along with the Building Contractors Association and its employer members have the right to invoke the International Agreements under their current collective bargaining agreements with the District Council; and it is further

ORDERED that a mandate should issue in accordance with the Second Circuit's opinion dated June 20, 2016.

SO ORDERED.

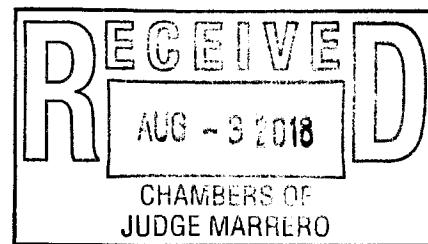
Dated: New York, New York
August 9, 2018



Victor Marrero, U.S.D.J.

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August 2, 2018

Via Federal Express

Honorable Victor Marrero
United States District Court
Daniel Patrick Moynihan United States
Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: USA v. New York City and Vicinity District Council of Carpenters
Index No. 90-CV-5722
MDMC File No. W0476-1003

Dear Judge Marrero:

We represent the Association of Wall-Ceiling & Carpentry Industries of New York, Inc. ("WCC").

In furtherance of the discussions before Your Honor at the status conference on June 29, 2018, enclosed please find a proposed consent order resolving the remand in the WCC's appeal regarding the right of it and its members to invoke an international agreement. We have conferred with counsel for the New York City District Council of Carpenters as well as the Building Contractors Association, and both have approved the form of this order.

Thank you for your consideration.

Respectfully submitted,

McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP

/s/ Mark A. Rosen

Mark A. Rosen

MAR/jk
Enclosure

cc: James Murphy, Esq. – via email
Benjamin H. Torrance, Esq. – via email
Glen G. McGorty, Esq. – via email